

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-20 are pending.

Claims 1-4, 9-13, and 18-20 stand rejected

Claims 1 and 10 are independent claims.

Claims 1, 2, 6, 8-11, and 15-19 have been amended. Claims 3-5, 12-14 and 20 have been cancelled.

Claims 3 and 20 are objected to. Claims 10-19 stand rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-4, 9-13 and 18-2 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Brown et al. (US Pat. No. 7,085,818) in view of Hokao et al (USP 7,142,526).

Claims 5-8 and 14-17 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph.

With regard to the objection to the claims, applicant thanks the Examiner for his observation and has amended the claims to correct the errors noted. However, Applicant would note that the Examiner has only referred to the term "mobile" with regard to claim 3 and in reply Applicant has amended each reference to the term "terminal" as being a "mobile terminal." In addition, claim 20 has been withdrawn from further consideration and, thus, the objection is no longer relevant.

With regard to the rejection of the claims under 35 USC 112, second paragraph, applicant thanks the Examiner for his observation and has amended the claims to correct the errors noted.

Applicant thanks the Examiner for indication of allowable subject matter in claims 5-8 and 14-17 and has amended the independent claim 1 to include the subject matter of claims 3-5 and independent claim 10 to include the subject matter of claims 12-14.

Applicant submits that the independent claims 1 and 10 are in a form consistent with the indication of allowable subject matter.

With regard to the rejection of the claims under 35 USC 103, applicant submits that for the amendments made to the claims to place the independent claims in a form consistent with the indication of allowable subject matter, the rejection of the claims is no longer applicable.

For the amendments made to the claims and for the arguments presented, herein, applicant submits that the objections and rejections of the claims have been overcome.

In view of the amendments made to the claims and the remarks presented herein applicant respectfully requests that the objections and rejections be withdrawn and that a Notice of Allowance be issued.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims, in one or more continuing applications during the pendency of the instant application.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

In order to advance the prosecution of the matter, applicant respectfully requests that any errors in form that do not alter the substantive nature of the arguments presented herein be transmitted telephonically to the applicant's representative so that such errors may be quickly resolved or pursuant to MPEP 714.03 be entered into the record to avoid continued delay of the prosecution of this matter any further.

MPEP 714.03 affords the Examiner the discretion, pursuant to 37 CFR 1.135 (c), to enter into the record a bona fide attempt to advance the application that includes minor errors in form.

"[a]n Examiner may treat an amendment not fully responsive to a non-final Office Action by: (A) accepting the amendment as an adequate reply to the non-final Office action to avoid abandonment ... (B) notifying the applicant that the reply must be completed... (C) setting a new time period for applicant to complete the reply ...

The treatment to be given to the amendment depends upon:

(A) whether the amendment is bona fide; (B) whether there is sufficient time for applicant's reply ... (C) the nature of the deficiency.

Where an amendment substantially responds to the rejections, objections or requirements in a non-final Office action (and is bona fide attempt to advance the application to final action) but contains a minor deficiency (e.g., fails to treat every rejection, objection or requirement), the examiner may simply act on the amendment and issue a new (non-final or final) Office action. The new Office action may simply reiterate the rejection, objection or requirement not addressed by the amendment (or otherwise indicate that such rejection, objection or requirement is no longer applicable).

This course of action would not be appropriate in instances in which an amendment contains a serious deficiency (e.g., the amendment is unsigned or does not appear to have been filed in reply to the non-final Office action)..."

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to contact the applicant's representative at the telephone given below.

No fees are believed necessary for filing this paper.

Respectfully submitted,
Michael E. Belk, Reg. No. 33,357

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